
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kondrk et al.

Attorney Docket No.: 101-P291/P3157US1

Application No.: 10/687,534

Examiner: Refai, Ramsey

Filed: October 15, 2003

Group: 3627

Title: Method and System for
Submitting Media for Network-Based
Purchase and Distribution

Confirmation No.: 7744

RENEWED PETITION PURSUANT TO 37 CFR 1.137(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn. Paul Shanowski, Sr. Attorney

Sir:

Further to "Decision on Petition pursuant to 37 CFR 1.137(a)" (hereafter "Decision on Petition") mailed May 25, 2010 and Applicants' "PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION OR LAPSED PATENT (37 CFR 1.137(a))" (hereafter "Original Submission") filed April 16, 2010, Applicants respectfully request reconsideration.

The Decision on Petition found the Original Submission to be sufficient for requirements (1) and (2) of 37 CFR 1.137(a) but not requirement (3). Requirement (4) of 37 CFR 1.137(a) was found to be inapplicable. Hence, to further support the showing that the delay in filing a response was unavoidable, Applicants provide the following supplemental showing.

Docketing System

Attorney's firm uses a software docketing system (FlexTrac software product Intellectual Property / Case Tracking System) from FlexTrac Systems, Inc. All patent cases are entered into the system. All USPTO correspondence, both incoming and

outgoing, is entered into the docketing system. In the case of an incoming Office Action, the Office Action would typically be entered into the docketing system within not more than 5 days from our receipt of the Office Action. When entered into the docketing system, an associated due date for a response would be set. Typically, a monthly reminder docket print-out would be generated by the docketing system and provided to the responsible attorney. A print-out of an exemplary Reminder List produced by the docketing system is enclosed herewith. A separate manual calendaring of the due date would normally also be done.

Docket Records

Also enclosed is a print-out of a U.S. Patent Case Detailed Report (Detailed Report) for the above-identified case. This Detailed Report indicates that the last Office Action was received in March 10, 2009 (mailed March 6, 2010). The Detailed Report is representative of the docket record for this case on February 23, 2010, which is when the missing Office Action was first discovered by accessed PAIR. Consequently, the Detailed Report indicates that the missing Office Action was not in the Docketing System prior to February 23, 2010, which is when the Notice of Abandonment was received and when the missing Office Action was obtained from PAIR. Hence, had the missing Office Action been received prior to the Notice of Abandonment being received, it would have been entered into the docket record as having been received in August 2009.

Revival Requested

Applicants earnestly request that the Notice of Abandonment in this application be withdrawn and the application be reinstated for further examination in due course.

Should the Commissioner conclude that the application has gone abandoned and that Applicants' have not provided sufficient support for "unavoidable" revival, Applicants in such case request that this paper be considered as a contingent Petition to Revive the Application under 37 C.F.R. §1.137(b), wherein the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable

petition under 37 CFR 1.137(b) was unintentional. If this paper is treated as a Petition to Revive under 37 C.F.R. §1.137(b), please charge the above-referenced deposit account in the amount of the petition fee set forth in 37 C.F.R. §1.17(m) -- with reduction for the previously paid petition fee of set forth in 37 C.F.R. §1.17(l), if available.

The Commissioner is authorized to charge any fees which may be required, or to credit any overpayment, to Deposit Account No. 504298 (Order No. 101-P291).

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
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(408) 955-0535 x701

Case Tracking System
U.S. Patent Case Detail Report

Date: April 16, 2010

Case Number: 101P291

Status: Pending
Filing Date: 10/15/2003

Application Type: Utility
Application Serial No.: 10/687,534
Conf. No.: 7744

Title: Method and system for submitting media for network-based purchase and distribution

Case Management: Sr. Attorney: C. Douglass Thomas
 Primary Attorney: None
 Case Administrator: None

Client: 101 Client Case #: P3157US1
 Apple Inc.
Primary Contact: None

| <u>Priority Case:</u> | | <u>App. Serial #</u> | <u>Filing Date</u> | <u>Country</u> |
|-----------------------|--|----------------------|--------------------|----------------|
| <u>Case #</u> | | | | |
| 101P270P | | 60/465,410 | 04/25/2003 | US |

| <u>Related Cases:</u> | | <u>Serial #</u> | <u>Filing Date</u> | <u>Type</u> |
|-----------------------|--|-----------------|--------------------|------------------------|
| <u>Related Case</u> | | | | |
| 1. 101P270P | | 60/465,410 | 04/25/2003 | Provisional Conversion |

Missing Parts (Additional Signatures)/Fee Due was sent on 02/09/2004

No Foreign Filing 'Reminder Date Due' present and no 'Date Foreign Filed' present

The Filing Receipt was received on 01/23/2004

Other Adjustments to Patent Term
None

Inventors: Robert H. Kondrk , Timothy Benjamin Martin, Jeffrey L. Robbin, David Heller, Mike Wiese

Abstract: None

Notes: None

| <u>Last Office Action:</u> | <u>Final Office Action</u> |
|----------------------------|----------------------------|
| Date Mailed: | 03/06/2009 |
| Date Received: | 03/10/2009 |
| Response Sent: | 06/04/2009 |
| Last Date to File: | 09/06/2009 |
| Date Rec'd in PTO: | 06/07/2009 |
| Office Action Notes: | None |

Examiner: None
Examiner Phone: None
Office: None

Next Office Action Expected: 10/7/2009

Last Assignment:

Case Tracking System
U.S. Patent Case Detail Report

Date: April 16, 2010

Assigned By:

Robert H. Kondrk, Timothy Benjamin Martin, Jeffrey L. Robbin, David Heller, Mike Wiese

Assigned To:

Apple Inc.

Effective Date:

None

Date Recorded:

04/09/2004

Assignment Notes:

None

Date Sent:

None

Reel and Frame:

014510/0416

Case Tracking System Reminder List

Date: June 25, 2010

[illegible]